

1 BILL NO. R-86-05 -24

RESOLUTION NO. R-

45-86

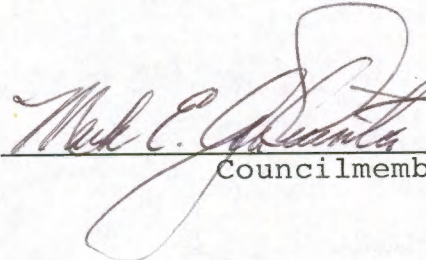
2 A RESOLUTION authorizing the City
3 of Fort Wayne, Indiana, to enter
4 into a Fire Protection Contract
with Zollner Corporation.

5 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
6 OF THE CITY OF FORT WAYNE, INDIANA:

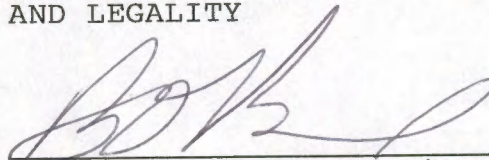
7 SECTION 1. That the annexed Fire Protection Contract
8 by and between the City of Fort Wayne, Indiana, and the Zollner
9 Corporation, is hereby approved, ratified and affirmed in all
10 respects and that the appropriate officials of the City of Fort
11 Wayne, Indiana, are hereby empowered to execute same.

12 SECTION 2. Said Fire Protection Contract is made a
13 part hereof and two (2) copies are on file in the Office of the
14 City Clerk and are available for public inspection.

15 SECTION 3. That this Resolution shall be in full force
16 and effect from and after its passage and any and all necessary
17 approval by the Mayor.

18 
19 Councilmember

20 APPROVED AS TO FORM
21 AND LEGALITY

22 
23 Bruce O. Boxberger, City Attorney
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Read the first time in full and on motion by GiaQuinta, seconded by Esther, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S

DATE: 5-27-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Allen, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	<u>✓</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	<u>✓</u>	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 6-10-86

Nadegda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. R-45-86 on the 10th day of June, 19 86,

ATTEST:

(SEAL)

Nadegda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy Clerk

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 19 86, at the hour of 11:00 o'clock PM. M., E.S.T.

Nadegda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy Clerk

Approved and signed by me this 12th day of June, 19 86, at the hour of 3:00 o'clock PM. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

FIRE PROTECTION CONTRACT

This Contract is entered into in duplicate effective the 1st day of January, 1986, between THE CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and members of the Board of Public Works and Safety ("City") and ZOLLNER CORPORATION, an Indiana corporation having its principal place of business in Adams Township, Allen County, Indiana ("Zollner").

WHEREAS, Zollner is the owner of certain improvements upon real estate near but outside the corporate limits of the City, described as follows:

All buildings and improvements of Zollner, presently located or hereinafter located on an area which has a frontage of 922.9 feet more or less, along the east right of way line of Coliseum Boulevard South, a north boundary line of 1332 feet more or less, an east boundary line of 1244.1 feet more or less, and a south boundary line of 2039 feet more or less.

Said buildings and improvements ("The Premises"), are presently reflected, for tax purposes, as a real estate assessed valuation of \$808,210 and a personal property assessed valuation of \$2,240,534 for a total assessed valuation of \$3,048,744, as shown on the tax records as recorded in the Office of the Treasurer of Allen County, Indiana.

and, WHEREAS, Zollner desires to be assured that fire protection by City is available at The Premises above described.

NOW THEREFORE, the parties agree as follows:

1. TERM. For a continuous period of three (3) years, commencing January 1, 1986 and terminating December 31, 1988, upon the receipt by City's Fire Department of a notification or signal that there is a fire on the premises above described, City shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials and personnel to The Premises as it reasonably sends to other similar locations within the corporate limits of the City.

2. MATERIALS. Zollner shall reimburse City for foam and powder used to extinguish any fire, said reimbursement to be made within ten (10) days after being billed by City for said materials so used.

3. PAYMENT FOR FIRE FIGHTING SERVICES. For the fire fighting services provided by this Contract, Zollner agrees to pay City an

annual sum of \$7,400, payable in two installments of \$3,700 each, due on the 15th day of January and the 15th day of July hereafter during the term of this agreement, with the first installment due on January 15, 1986. The annual charges hereinabove provided may be increased (decreased) based upon changes in the assessed valuation of The Premises, said changes to be reflected in the next succeeding year of the Contract; i.e., if the valuation changes result in a 10 percent increase in the assessed valuation of The Premises, then the annual charge hereinabove provided would be increased 10 percent in the next succeeding calendar year accordingly.

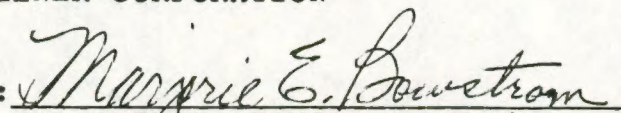
4. INSPECTION. City shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect Zollner's building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said buildings, equipment and facilities and Zollner's operation on The Premises, so as to (1) determine the types of fires which may reasonably be anticipated on The Premises; (2) be able to render service commensurate with existing service conditions; (3) make recommendations relative to fire prevention.

5. NONASSUMPTION OF LIABILITY. City and City's Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents therein, nor for individuals involved therein, in the execution of this Contract.

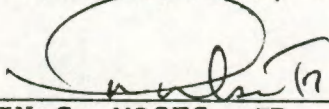
6. CONTRACT EFFECTIVE. Notwithstanding the foregoing provisions, this Contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Public Works and Safety, and ratified and approved by the Common Council of the City.

ZOLLNER CORPORATION

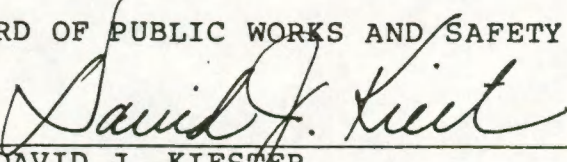
By:

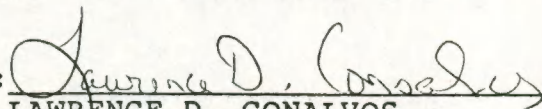

MARJORIE E. BOWSTROM, Chairman
of the Board & Chief Executive
Officer

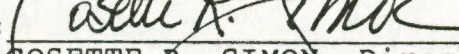
CITY OF FORT WAYNE, INDIANA

By: 
WIN C. MOSES, JR., Mayor

BOARD OF PUBLIC WORKS AND SAFETY

By: 
DAVID J. KIESTER
Director of Public Works

By: 
LAWRENCE D. CONALVOS
Director of Public Safety

By: 
COSETTE R. SIMON, Director of
Administration and Finance

I hereby certify that the foregoing Contract was ratified and approved by the Common Council of the City of Fort Wayne, Indiana, on the _____ day of _____, 1986.

SANDRA E. KENNEDY, Clerk

RESOLUTIONS OF THE BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF FORT WAYNE, INDIANA

The following Resolutions of the Board of Public Works and Safety were passed at a regular meeting held on the 14th day of May, 1986.

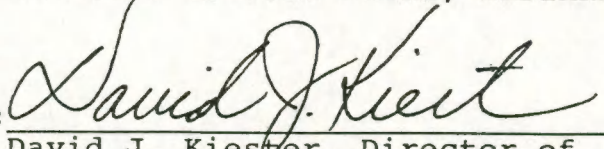
BE IT RESOLVED, that the Board does approve of a certain Fire Protection Contract, as entered into by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and the Zollner Corporation, as annexed hereto and made a part hereof;

BE IT FURTHER RESOLVED, that the Board and its members are empowered to execute said Fire Protection Contract after ratification of the same.

IN WITNESS WHEREOF, these Resolutions have been passed on the day, month and year first above written.

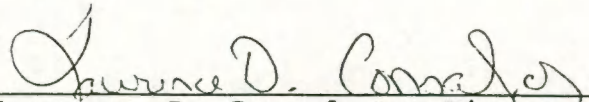
BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF FORT WAYNE, INDIANA

BY:



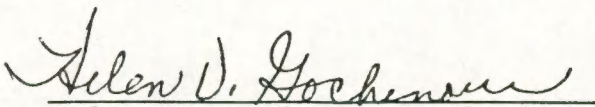
David J. Kiest, Director of
Public Works

BY:

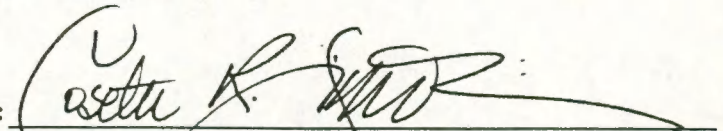


Lawrence D. Consalvos, Director of
Public Safety

ATTEST:


Helen V. Gochenour, Clerk

BY:


Cosette R. Simon, Director of
Administration & Finance

BILL NO. R-86-05-24

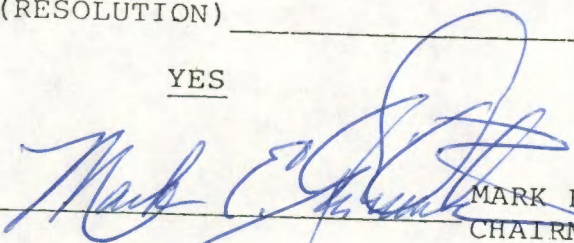
REPORT OF THE COMMITTEE ON FINANCE

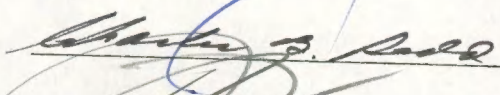
WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) authorizing the City of
Fort Wayne, Indiana to enter into a Fire Protection Contract with
Zollner Corporation


HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (~~ORDINANCE~~)
(RESOLUTION) _____

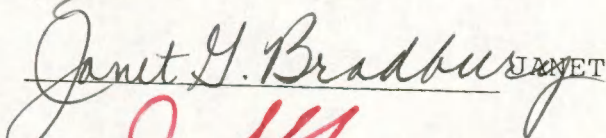
YES

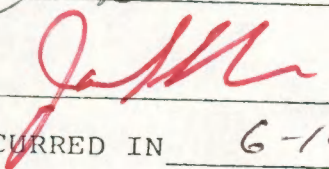
NO


MARK E. GiaQUINTA
CHAIRMAN


CHARLES B. REDD
VICE CHAIRMAN


PAUL M. BURNS


JANET G. BRADBURY


JAMES S. STIER

CONCURRED IN 6-10-86

SANDRA E. KENNEDY
CITY CLERK